

Vice Chair Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Rod Johnson excused. Vice Chair Landis invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published July 22, 2008 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 29, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, July 29, 2008:

911-23.29 Commission Hearing Room, Lincoln.
1:30 In the Matter of Saline County, Public Safety Answering Point, Wilber, and Crete Police Department, Crete, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation. Commissioner Rod Johnson presiding as Hearing Officer.

Wednesday, July 30, 2008:

1:30 Commission Hearing Room, Lincoln. Nebraska Internet Enhancement Fund (NIEF) Advisory Board Meeting. Video sites at Western NE Community College, Room 122, Sidney; and Columbus Public Library, 2nd Floor Columbus Room, 2504 14th Street, Columbus.

COMMUNICATIONS DEPARTMENT

AD-456r In the Matter of InTouch Solutions, Naperville, Illinois, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Landis, Schram and Vap voting AYE and Commissioners Boyle and Johnson excused not voting.

C-3945/
NUSF-60.02 In the Matter of the Commission, on its own motion, seeking to conduct an investigation of Qwest Corporation's Proposed Switched Access Charge Rates: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order opening the docket, suspending the rates and setting a procedural schedule. Commissioner Frank Landis was appointed as Hearing Officer. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.
PI-124

COMMUNICATIONS DEPARTMENT (Cont.)

TRS-40-07/ Pursuant to Title IV of the Americans with Disabilities Act of 1990, Section 225(f)(2) of the Communications Act of 1934, as amended, 47 U.S.C. § 225(f)(2), and Section 64.606(b) of the Commission's rules, 47 C.F.R. § 64.606(b), the Application of the State of Nebraska for certification of its Telecommunications Relay Services (TRS) program: Gene Hand informed the Commission that the Federal Communications Commission's (FCC) letter dated July 16, 2008, provided notice that the application was granted. The letter included notification that Nebraska's certification shall remain in effect for a five year period beginning July 26, 2008, and ending on July 25, 2013.

Gene Hand reviewed the Windstream tariff filing with the Commission that increases rates for certain basic local exchange services for business customers.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-20.02 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. 1-800-Reconex; Applied Communications Technology, Inc.; Arapahoe Telephone Company d/b/a ATC Communications; Cable USA III, LLC; Charter Fiberlink-Communications VI, LLC; Citistream Communications, Inc.; Community Internet Systems, Inc.; Cozad Telephone Company; Dalton Telephone Company; Elsie Communications, Inc.; Global Connection Inc of America; Granite Telecommunications; LLC; MCImetro Access Transmission Services, LLC; NorthStar Telecom, Inc.; Three River Telco; Three River Communications, LLC; Time Warner Cable Information Services (Nebraska), LLC; VCI Company d/b/a Vilaire Communications, Inc., Respondent(s): Commissioner Jerry Vap presiding as Hearing Officer. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to dismiss the complaint, in part, against 1-800-Reconex, Cozad Telephone Company and Granite Telecommunications, LLC. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram to open complaints for failing to remit the required quarterly reports. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

911-030.06 In the Matter of Mike Hybl, Interim Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Coast-to-Coast Cellular, Inc., Johnstown, Pennsylvania, Respondent(s).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-030.07 In the Matter of Mike Hybl, Interim Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Convey Wireless, Boulder, Colorado, Respondent(s).

911-030.08 In the Matter of Mike Hybl, Interim Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Iowa Wireless Services, LLC, d/b/a i-wireless, Urbandale, Iowa, Respondent(s).

Angela Melton discussed the need for an extra meeting of the Wireless E911 Advisory Board scheduled for August 18, 2008 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Advisory Board's extra meeting. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NUSF-32.07 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules and Orders and to impose administrative fines: Commissioner Johnson presiding as Hearing Officer. Shana Knutson discussed correspondence received from Megapath, Inc., f/k/a Netifice. Commissioner Rod Johnson entered the Commission Hearing Room during the discussion.

NUSF-37.123 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant, v. Gold Line Telemanagement, Inc., Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter a Show Cause Order and schedule a hearing for August 26, 2008 at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the Universal Service Fund mechanism, established in NUSF-26: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order regarding the 2006 audit findings relating to high cost reimbursements. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-60.02 In the Matter of the Commission, on its own motion, seeking C-3945/ to investigate Qwest Corporation's Access Rates: This PI-138 matter was addressed during the Communication's Department agenda.

NATURAL GAS DEPARTMENT

FC-1331 In the Matter of Kinder Morgan Interstate Gas Transmission, LLC, Lakewood, Colorado vs. Aquila, Inc., Omaha, and Nebraska Resources Company, Tulsa, Oklahoma, alleging violations of the State Natural Gas Regulation Act. Commissioner Landis presiding as Hearing Officer: Nichole Underhill discussed an order entered by the Hearing Officer on July 28, 2008, scheduling the brief due date for September 5, 2008, and a planning conference for September 15, 2008, at 2:30 p.m. in the Niobrara Conference Room, Lincoln.

NG-0036 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado,
NG-0039 seeking approval of a general rate increase; In the Matter
NG-0040 of the joint application of Kinder Morgan, Inc., Houston, Texas; KM Retail Utilities Holdco LLC, Houston, Texas; SourceGas Distribution LLC, Lakewood, Colorado, SourceGas Holdings LLC, Stamford, Connecticut; and SourceGas LLC, Stamford, Connecticut; seeking approval of (1) the proposed transfer of Kinder Morgan, Inc.'s Nebraska Certificate of Convenience and utility assets to SourceGas Distribution LLC; and (2) the proposed change of control of SourceGas Distribution LLC from Kinder Morgan, Inc. to SourceGas LLC; and In the Matter of Kinder Morgan, Inc., Houston, Texas; KM Retail Utilities Holdco LLC, Houston, Texas; SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of asset transfer of jurisdictional utility assets: Nichole Underhill discussed SourceGas' Objection to Cost Assessment filed July 16, 2008 (HS-0013, HS-006 & HS-005). Commissioner Jerry Vap was appointed as Hearing Officer.

P-0013.14 In the Matter of Metropolitan Utilities District of Omaha, Omaha, providing notice required by Neb. Rev. Stat. Section 66-1863, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order closing the docket. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Assessment Orders in Dockets FC-1327, NG-0041, and NG-0053. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

FC-1327 In the Matter of the Formal Complaint of the Nebraska
HS-0015 Public Advocate seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, LLC improperly implemented, billed and received payment for interim and final rates in NG-0036 for which customers are entitled to a credit or refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC. Commissioner Vap presiding as Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
GDS-0011 (Aquila), Omaha, seeking individual general rate increases
HS-0030 for Aquila's Rate Area One, Rate Area Two, and Rate Area
 Three. Commissioner Landis presiding as Hearing Officer.

NG-0053 In the Matter of the Amended Application of Nebraska
HS-008 Resources Company, LLC, Tulsa, Oklahoma, seeking a Certi-
 ficate of Public Convenience and Necessity authorizing it
 to operate as a jurisdictional utility in Nebraska and
 approval of tariff. Commissioner Landis presiding as
 Hearing Officer.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#159 Regulations, to add rules for the administration of the
 Telecommunications Relay Systems Act. Commissioner Rod
Johnson presiding as Hearing Officer: Motion made by Commissioner Rod
Johnson, seconded by Commissioner Tim Schram, to enter an order issu-
ing a Certificate of Adoption for the second set of proposed rules.
Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram
and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not
voting.

TRANSPORTATION DEPARTMENT

B-1711 In the Matter of Trease Enterprises, Inc., dba Special
 Moments Limousine, seeking authority as a common carrier in
Nebraska intrastate commerce in the transportation of passengers and
their baggage by bus in charter and special party service in the state
of Nebraska over irregular routes. RESTRICTION: The transportation
of railroad train crews and their baggage is not authorized: Motion
made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram,
to enter an order granting the application. Motion passed with Com-
missioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting
AYE, and Commissioner Anne Boyle excused not voting. The hearing
previously scheduled for a date later to be determined was cancelled.

B-1715 In the Matter of A Superior Limousine, Inc., Tekamah, seek-
 ing authority as a common carrier in Nebraska intrastate
commerce in the transportation of passengers and their baggage in
limousine service between points within a 100 mile radius of Tekamah.
RESTRICTION: The transportation of railroad train crews and their
baggage is not authorized: Upon agreement of all Commissioners pre-
sent, a video hearing was scheduled for August 7, 2008, at 9:30 a.m.
in the Commission Hearing Room, Lincoln, and the Nebraska State Office
Building, Room 207, 1313 Farnam Street, Omaha. Commissioner Schram was
appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1717 In the Matter of Platinum Limousine Services, LLC, Norfolk, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers and their baggage in limousine service between points in Boyd, Knox, Cedar, Dixon, Antelope, Wheeler, Greeley, Boone, Nance, Pierce, Madison, Platte, Polk, Butler, Colfax, Stanton, Wayne, Dakota, Thurston, Cuming, Dodge, Burt, and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Rod Johnson presiding as Hearing Officer: A Hearing Officer's Order was entered July 29, 2008, continuing the hearing previously scheduled for July 31, 2008, to August 21, 2008, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk.

B-1723 In the Matter of Brown's Crew Car of Wyoming, LLC, dba Armadillo Express, Lenexa, Kansas, seeking authority to acquire, through transfer, the authority granted to Brown's Crew Car of Wyoming, Inc., dba Armadillo Express, Lenexa, Kansas: Upon agreement of all Commissioners present, an oral argument on the Motion to Dismiss for Lack of Subject Matter Jurisdiction was scheduled for August 5, 2008, at 3:00 p.m. in the Commission Hearing Room. Commissioner Frank Landis was appointed as Hearing Officer.

B-1728 In the Matter of Central Limousine, LLC, Grand Island, seeking to acquire, through transfer, the certificate held by Zalt, Inc., dba Central Limousine, in Certificate B-1700: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting temporary authority. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The fuel surcharge was decreased to \$1.38 per mile and the Tariff 22 surcharge was decreased to \$10.36.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-19 J. E. Meuret Grain Co., Inc., Brunswick: Corn
GW-462 Countryside Cooperative, Firth: Wheat and Corn
GW-666 Crossroads Cooperative Association, Sidney: Oats

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-1136 Central Valley Ag Cooperative, Nonstock, Elgin: Rye
GW-2113 Aurora Cooperative Elevator Company, Aurora: Wheat, Soy-
beans and oats
GW-2127 The Scoular Company, Venango: Wheat
GW-2129 The Scoular Company, Madrid: Soybeans
GW-2132 The Scoular Company, Sidney: Wheat and Corn
GW-2148 The Scoular Company, Fremont: Wheat
GW-2160 United Farmers Cooperative, York: Wheat and Milo

GW-1599/ In the Matter of Alvo Grain and Feed, Inc., Alvo and Ash-
GWC-421 land: Motion made by Commissioner Jerry Vap, seconded by
Commissioner Tim Schram, to enter an Order Determining
Claims. Motion passed with Commissioners Rod Johnson, Frank Landis,
Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle
excused not voting.

GW-2129 In the Matter of The Scoular Company, Grinton, seeking to
buy the grain represented on lost receipt B673289 issued to
Greg Pelster in the amount of 3705.13 bushels of corn: Motion made by
Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to grant
the application. Motion passed with Commissioners Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne
Boyle excused not voting.

Grain Dealer Division

GD-1599/ In the Matter of Alvo Grain and Feed, Inc., Alvo and Ash-
GWC-421 land: Motion made by Commissioner Tim Schram, seconded by
Commissioner Jerry Vap, to enter an Order determining
claims. Motion passed with Commissioners Rod Johnson, Frank Landis,
Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle
excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Com-
missioner Jerry Vap, to approve the Executive Director's recommenda-
tion to approve the following Commission invoices. Motion passed with
Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap
voting AYE, and Commissioner Anne Boyle excused not voting.

DAS-Central Finance-Network Services	\$ 3,409.45
DAS-Central Finance-Omaha World Herald Ad (Alvo Grain)	619.92
DAS-Central Finance-Purchase Revolving Assessment	4,656.00
DAS-Central Finance-Risk Management-Workers Comp Assess.	24,840.00
DAS-Central Finance-State Accounting Debt Assessment	3,427.00
DAS-Central Finance-State Accounting NIS Assessment	16,968.00
Dept of Roads	731.86
ADM	28,196.42
Larry Fauss	1,020.00

GENERAL ADMINISTRATION (Cont.)

NARUC-TR Daily Subscription	\$ 1,900.50
Anne Boyle	609.18
Tim Schram	548.88

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	250.00
Associated Hearing Health Care	327.15
B Hear Inc	1,541.65
Beltone	1,572.05
Dynavox Systems	2,657.46
Glassman's Hearing Aid Service	76.95
Grand Island Hearing Aid Center	2,083.33
Harris Communications	795.90
Carl A. Johnson Jr.	1,277.23
Johnson Hearing Aid Service, Inc.	150.00
K-D Communications	1,980.26
LD Luana Duennerman	129.90
League of Human Dignity	299.85
Professional Hearing Aid Services	890.70
Sherard Hearing Aid Center	726.95
Teltex, Inc	2,610.97
Western ENT Associates PC	189.95
Western ENT Associates PC	688.85
Western ENT Associates PC	159.95

The following invoices were paid between July 16, 2008 and July 28, 2008 and should be ratified:

Harms Trucking	\$ 1,395.48
DAS Central Finance-Copy Services	2,761.84
DAS Central Finance-Office Supplies	668.06
DAS Personnel-FY 08-09 EAP	720.00
Gerald Vap	1,081.04

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation for Kent Pribyl to travel to Wardcraft Homes, Inc., Clay Center, Kansas, on July 21, 2008 to perform a modular housing unit factory inspection with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes, Inc. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve scheduling an Excel training class on August 14, 2008 from 9:00 a.m. to 5:00 p.m. for Commission employees. An additional class may be needed for other staff. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to take from the table the motion tabled at the June 24, 2008 Commission meeting regarding the Microsoft Exchange email system. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to convert to the Microsoft Exchange email system as requested by the Department of Administrative Services. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Addendum #2 to the agreement between Hamilton Telecommunications and the Commission relative to the provision of a Media Outreach Campaign for the Nebraska Telecommunications Relay System. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 10:53 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on August 5, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 4, 2008.

Vice Chair

Executive Director